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| 09/188,827 | 11/09/1998 | JOHN FRANCIS REGAN | 56012821-11 | 4780 |

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EXAMINER

HAYES, JOHN W

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 08/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/188,827

Applicant(s)

REGAN, JOHN FRANCIS

Examiner

John W Hayes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10, 12-28, 30-58 and 60-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 12-16, 22-28, 30-43, 54-58 and 60-64 is/are rejected.
- 7) ☒ Claim(s) 17-21 and 44-53 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Applicant has previously deleted claims 9, 11, 29, 59. Thus, claims 1-8, 10, 12-28, 30-58 and 60-64 remain pending.

Drawings

2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 26 July 2002 have been approved by the Draftsperson.

Response to Arguments

3. Applicant's arguments filed 03 June 2003 have been fully considered but they are not persuasive.

Applicant asserts that the reference to Campbell '664 does not teach the initiation of a recovery process for a transaction and the automated coordination of that recovery process. Examiner respectfully disagrees and notes that the recitation "initiate a recovery process for the transaction" is interpreted by the examiner as nothing more than the computer executable code providing the means to initiate the recovery process. This is not interpreted by the examiner to mean that the program automatically initiates the recovery process and provided automated coordination of the process entirely without human intervention. Examiner submits that Campbell meets this interpretation of the claim since Campbell discloses that the system allows for the operator to initiate a "collections" process in order to determine how to handle the account such as a recovery process by contacting the customer to expedite payment. Examiner further submits that Campbell further discloses automated coordination of the recovery process since Campbell discloses an automated system that stores information concerning financial transactions including the current status of the transactions based on updated information and further facilitates the recovery of an account through the "collections" function (Figures 13-17; Col. 23, lines 7-28).

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Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 27-28 is rejected under 35 U.S.C. 102(e) as being anticipated by *Campbell et al*, U.S. Patent No. 4,774,664.

As per **Claims 27-28**, Campbell et al discloses a transaction processing system comprising a general purpose computer including a memory, CPU and an input/output device (Figure 1; Col. 5, lines 45-58), a data repository coupled to the computer (Figure 1; Col. 6, lines 27-32; Col. 7, lines 44-50), wherein the memory of the computer includes computer executable means to receive transaction information for a transaction related to a property unit and store the transaction information and relevant actions in a central repository (Col. 6, lines 3-9 and 47-54; Col. 10, lines 6-11; Col. 13, lines 59-65), indicate a default condition for the transaction (Col. 10, lines 29-40; Col. 19, lines 12-18; Col. 20, lines 38-64), initiate a recovery process for the transaction (Col. 10, lines 28-40; Col. 20, lines 38-64), providing automated coordination of the recovery process using the transaction information stored in the data repository, the transaction information being regularly updated to indicate a current status of the transaction (Col. 10, lines 28-40; Col. 20, lines 38-64; Col. 21, lines 16-28; Col. 21 line 67-Col. 22 line 31; Col. 23, lines 7-28) and providing predetermined business reports generated as a function of the transaction information stored in the data repository (Col. 11, lines 20-65; Col. 12 line 60-Col. 13 line 5; Col. 14, lines 8-40).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-8, 10, 12-16, 22-26, 30-43, 54-58 and 60-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Campbell et al*, U.S. Patent No. 4,774,644 in view of Rose, Jr., U.S. Patent No. 5,521,815

As per Claims 1-8, 10, 12-13, 16, 22-26, 30-41, 43, 54-58 and 61-63, Campbell et al discloses a method for transaction processing comprising the steps of receiving transaction information for a transaction and storing the transaction information in a central repository (Col. 6, lines 3-9 and 47-54; Col. 10, lines 6-11; Col. 13, lines 59-65), indicating a default condition for the transaction (Col. 10, lines 29-40; Col. 19, lines 12-18; Col. 20, lines 38-64), initiating a recovery process for the transaction (Col. 10, lines 28-40; Col. 20, lines 38-64) and providing automated coordination of the recovery process by computer means using transaction information stored in the central repository, the transaction information being updated to indicate a current status of the transaction, the transaction being associated with a property unit, the transaction information including relevant information regarding the property unit and the recovery process including process stages taken with respect to disposal of the property unit (Figures 13-20; Col. 10, lines 28-40; Col. 20, lines 38-64; Col. 21, lines 16-28; Col. 21 line 67-Col. 22 line 31; Col. 23, lines 7-28), wherein the computer executable means includes an access control module for controlling access by a user to the data repository as a function of an identity of the user (Col. 8 line 65-Col. 9 line 7).

Campbell et al further disclose wherein multiple remote offices communicate with the system to update the transaction information (Col. 5 line 59-Col. 6 line 13; Col. 11, lines 36-44; Col. 14, lines 18-26; Col. 24, lines 34-51), however, Campbell et al fail to specifically disclose communication with multiple service providers in response to the transaction information and wherein the multiple service providers are able to update the transaction information. Rose, Jr. discloses a system for verifying and tracking articles of value such as vehicles, boats, land, etc., and teach a centralized data base connected to

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various authorized agents such as insurance agents and car dealers, and to government agencies such as department of motor vehicles and tax collecting agencies so that all relevant data on an item can be maintained on a centralized system which is accessible to all who need the information (Abstract; Figure 1A). Rose, Jr. further discloses that the centralized data base is connected to all parties ordinarily involved in transactions relating to the article and further allowing an authorized entity to be responsible for tracking of the and issuance of titles related to the article (Col. 5, lines 13-29), wherein a service provider is capable of transmitting and updating transaction data information in the database (Col. 6, lines 55-60; Col. 7, lines 17-38; Col. 8, lines 12-20; Col. 11, lines 45-60; Col. 12 line 65-Col. 13 line 5; Col. 13, lines 53-58) and generating a security interest document (Col. 7, lines 34-38. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Campbell et al and provide automated communications between all service providers involved in a transaction and allow the different service providers to update the transaction information stored in a centralized database as taught by Rose, Jr. Rose, Jr. provides motivation by indicating that this feature would provide a needed centralized data base wherein information from various service providers could be maintained in one central location rather than disparate data bases. Rose, Jr. indicates that this would integrate the information maintained separately by each of those parties in a universal, continual and congruent manner and would ensure that all information is up to date and accurate and that it may be access by various parties (Col. 1, lines 27-38; Col. 2, lines 47-67).

Campbell et al also fail to specifically disclose wherein the information includes disposal information after recovery including at least one of managing, appraising and selling the property unit. However, the differences between the type of information updated and stored are only found in the non-functional descriptive material and are not functionally involved in the steps recited. The receiving, storing, initiating, providing and updating steps would be performed the same regardless of the descriptive material since none of the steps explicitly interact therewith. Limitations that are not functionally interrelated with the useful acts, structure, or properties of the claimed invention carry little or no patentable weight. Thus, this descriptive material will not distinguish the claimed invention from the

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prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to receive, store and update any type of data from a plurality of service providers, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

As per **Claims 14-15 and 42**, Campbell et al further discloses wherein the computer executable means is responsive to an input from a user computer connected to the general purpose computer via a proprietary communication network (Col. 5, lines 59-68; Col. 6, lines 3-9 and 47-54; Col. 10, lines 6-11; Col. 13, lines 59-65; Col. 24, lines 34-51).

As per **Claims 60 and 64**, Campbell et al discloses a transaction processing system comprising a general purpose computer including a memory, CPU and an input/output device and adapted to communicate via a communication channel (Figure 1; Col. 5, lines 45-58), a data repository coupled to the computer (Figure 1; Col. 6, lines 27-32; Col. 7, lines 44-50), wherein the memory of the computer includes computer executable means to receive transaction information for a host of financial transactions each of which is associated with a property unit and entails obligations which, if not met, put the transaction in default, the information including information regarding the property unit and store the transaction information in a central repository (Col. 6, lines 3-9 and 47-54; Col. 10, lines 6-11; Col. 13, lines 59-65) and communicate, upon occurrence of a default for a specific transaction, all information contained in the repository related to the transaction relevant to the default (Col. 3, lines 45-50; Col. 10, lines 7-11). Campbell et al and Rose, Jr. teach wherein multiple service providers are able to receive and update transaction information as discussed above with reference to claim 1.

Campbell, however, fails to specifically disclose communicating information related to the services to be provided by the at least one service provider. However, the differences between the type

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of information provided are only found in the non-functional descriptive material and are not functionally involved in the steps recited. The receiving, storing, and communicating steps would be performed the same regardless of the descriptive material since none of the steps explicitly interact therewith.

Limitations that are not functionally interrelated with the useful acts, structure, or properties of the claimed invention carry little or no patentable weight. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to receive, store and communicate any type of data from/to a plurality of service providers, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

Furthermore, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly*, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (Bd Pat. App. & Inter. 1987). Thus, the structural limitations of claim 60, including a general purpose computer including a memory, a CPU and an input/output device, a data repository and computer executable means are disclosed in Campbell et al as described above.

Allowable Subject Matter

8. Claims 17-21 and 44-53 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. The prior art previously made of record and not relied upon is considered pertinent to applicant's disclosure.

- McCauley et al disclose a method and apparatus for determining an optimal investment plan for distressed residential real estate loans and teach an REO model that considers a projected sales price of the REO property indicating that REO properties are typically disposed of
- Leudders, Dean, R., "Practical REO Management" teaches that effective REO management includes preparing a plan and budget that can provide a road map that assists the management and ultimate sale of the asset
- Sutton et al, "The Process of REO Management" teach that REO management typically includes establishing a plan for the property including disposing of the REO asset.
- Highbloom discloses a system for monitoring the status of individual items of personal property which serve as collateral for securing financing and teaches a method of recording liens
- Norris discloses a method and apparatus for automatic processing of a loan application and includes a application/customer profile module allowing the applicant to enter information that is stored in a database

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- McCauley et al discloses a method and system for processing real estate loans based on loan data including personal data relating to a borrower, financial information relating to the borrower's financial position, and loan conditions.
- Ocwen Financial Corporation, "Ocwen Financial Corporation Forms Technology Subsidiary to Provide Software to Mortgage and Real Estate Industries", discloses an advanced mortgage loan servicing, resolution and origination technology available to third parties through software licenses. The software product includes proprietary loss mitigation and loan default management software systems. The system gives real estate and mortgage servicing professional's electronic access to all of the ancillary services necessary to close a real estate transaction or loan or foreclose on a mortgage loan, saving the user time and money.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Hayes whose telephone number is (703)306-5447. The examiner can normally be reached Monday through Friday from 5:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

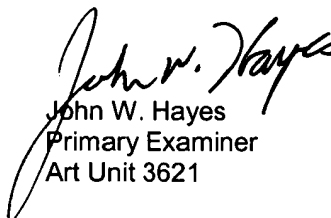
***Commissioner of Patents and Trademarks
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or faxed to:

(703)305-7687 [Official communications; including
After Final communications labeled
"Box AF"]

(703) 746-5531 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington,
VA, 7th floor receptionist.


John W. Hayes
Primary Examiner
Art Unit 3621

August 14, 2003